

IN THE SENATE OF THE UNITED STATES.

JUNE 10, 1858.—Ordered to be printed.

Mr. IVERSON made the following

REPORT.

[To accompany Bill S. 452.]

*The Committee on Claims, to whom was referred the memorial of John R. Nourse, report:*

This case was examined by the Senate Committee on Claims, at the 3d session of the last Congress, who made a favorable report thereon. Upon a re-examination of the case, the committee find the following facts, viz:

In 1832 the memorialist became one of the sureties upon the official bond of William P. Zantzinger, a purser in the navy. In 1843 Purser Zantzinger renewed his bond and gave other sureties. In consequence of an apparent deficit in Purser Zantzinger's accounts, he and his sureties were sued in 1844, and a judgment was obtained against them for \$8,000. This deficit appears to have arisen as follows: During the late war with Great Britain, Mr. Zantzinger was attached, as purser, to the United States ship "Hornet," on a cruise to the Indian ocean.

On this cruise the Hornet was chased by an enemy's ship of greatly superior force, and, as one of the expedients to save the ship, the commander caused not only all her armament, "but everything whatever, from below as well as above," including the purser's stores, to be thrown overboard. After the rendition of the judgment against him, Purser Zantzinger applied to Congress for allowance of credit for these stores, and a joint resolution was passed directing the accounting officers "to allow him the value of such stores as were thrown overboard from the United States ship Hornet," &c.—(6 Stat., 933.) Under this law the accounting officers allowed the sum of \$5,724, still leaving a balance against him on the judgment of \$2,276. Mr. Zantzinger again appealed to Congress, and two successive Committees of Claims of the House of Representatives, to whom the evidence of Captain Newton, the second lieutenant of the ship, the officer in charge of the deck at the time the transaction took place, and who actually superintended the throwing of the stores into the sea, was submitted, came to the conclusion that Purser Zantzinger was justly entitled to a considerable larger allowance. Captain Newton testified that Purser

Z.'s loss could not have been less than \$8,000, which would have balanced the claim of the government.

Upon a careful review of all the facts, the committee have come to the conclusion that Captain Newton's testimony is entitled to be fully relied on, and that his estimate of the value of the purser's stores was not too high; and consequently that upon a just and equitable settlement of the accounts of Purser Zantzing no balance would have been found against him. In accordance with these views, the committee report a bill for the relief of the petitioner.

## REPORT